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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.760 OF 2006
IN
SPECIAL SUIT NO.134 OF 2005

M/s.Pawan Leasing & Growth Fund Ltd. Appellant
versus
Shyamlal Harilal Chandnani & ors. Respondents

Mr.Pankaj Kowli i/by M/s.Thakore Jariwala & Associates for appellant.
M/s.Mili V. Thakkar i/by Vipul Shukla for respondent no.1.

CORAM : A.S.OKA, J.
DATE : 15th March 2007
PC :

1. Heard learned advocates for the parties. The appellant-original plaintiff has taken exception to the judgement and order dated 31st March 2006 passed by the learned Civil Judge, Senior Division, Panvel on an application for temporary injunction filed by the appellant. By the impugned order, the application for temporary injunction has been rejected.

2. It is pertinent to note that after 31st March 2006 there is no ad-interim relief operating in favour of the appellant-plaintiff. Thus, for a period of nearly one year, now there is no interim relief operating in favour of the

plaintiff.

3. After having heard the learned counsel appearing for the parties, I find that at this stage no interference with the impugned order is possible. The impugned order is a discretionary order which is passed on the basis of prima facie consideration of material on record.

4. However, considering the facts and circumstances of the case, the suit deserves to be expedited. Hence, I pass the following order.

5. Order :-

(a) The appeal is dismissed with no order as to costs;

(b) The Trial Court will decide the suit uninfluenced by the impugned order and the confirmation of the impugned order by this Court;

(c) The Trial Court will decide the suit expeditiously and in any event the suit shall be disposed of on or before 31st December 2007;

(d) All contentions of the parties in the pending suit are expressly kept open.

(A.S.OKA, J.)